
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1)SURFSIDE JAPANESE AUTO
PARTS AND SERVICE,

Plaintiff,

v.

(1)BERKSHIRE HATHAWAY
HOMESTATE INSURANCE
COMPANY,

Defendant.

Case No.: 18-cv-487-TCK-FHM

NOTICE OF REMOVAL

**TO: THE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

Defendant, Berkshire Hathaway Homestate Insurance Company, (“BHHIC”), pursuant to title 28 U.S.C. §§1332, 1441(a) and 1446 and LCvR 81.2, files this Notice of Removal of the civil action filed against it in the District Court of Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of removal, Defendant states as follows:

1. Plaintiff, Surfside Japanese Auto Parts and Service (“Surfside”), filed its Petition in the District Court of Tulsa County on June 19, 2018. (See copy of the Tulsa County District Court, attached as Exhibit “1”).
2. Although Plaintiff has failed to plead damages in accordance with the

requirements of Okla. Stat. Tit. 12 §2008, it is anticipated that Plaintiff will seek damages in excess of the amount required for diversity jurisdiction pursuant to Title 28 U.S.C. §1332.

3. Counsel for Defendant has contacted counsel for Plaintiff and counsel for Plaintiff does not object to this matter being removed to the United States District Court for the Northern District of Oklahoma.
4. Plaintiff Surfside is an Oklahoma corporation doing business in Tulsa County, Oklahoma. Consequently, Plaintiff is a resident of the State of Oklahoma.
5. Defendant BHHIC is a Nebraska corporation with its principal place of business in Omaha, Nebraska. Consequently, Defendant BHHIC is a citizen of the State of Nebraska.
6. Because this is a civil action between citizens of different states and the amount in controversy is in excess of Seventy-Five Thousand Dollars, this Court has original jurisdiction over the civil action pursuant to Title 28 U.S.C. §1332(a)(1). Removal of the action to this Court by Defendant BHHIC is made pursuant to the provisions of Title 28 U.S.C. §1441.
7. In accordance with the provisions of Title 28 U.S.C. §1391(a), venue is proper in the United States District Court for the Northern District of Oklahoma because the alleged incident occurred in Tulsa County, State of Oklahoma, which is in the Northern District of Oklahoma.

8. By virtue of this Notice of Removal, Defendant does not waive its right to assert any jurisdictional claims or pursue other motions or defenses, including those available under Rule 12 of the Federal Rules of Civil Procedure.
9. In accordance with the provisions of Title 28 U.S.C. §1446(a) and the local rules of the United States District Court for the Northern District of Oklahoma, legible copies of all documents filed in the state court action are being filed contemporaneously with this Notice of Removal and submitted by way of the following exhibits:

CJ-2018-02629 (Tulsa County District Court)

Exhibit 1: Copy of the Oklahoma County District Court Docket

Exhibit 2: Original Petition

Exhibit 3: Return of Service for service of Summons and Petition on Defendant BHHIC.

10. In accordance with the provisions of Title 28 U.S.C. §1446(d), Defendant is serving a copy of this Notice of Removal upon Plaintiff and are filing a Notice of Removal with the Clerk of the District Court of Tulsa County, State of Oklahoma, where this case was originally filed. Copies of this Notice are being served upon Plaintiff and filed with the Tulsa County Court Clerk contemporaneous with this document.

WHEREFORE, Defendant Berkshire Hathaway Homestate Insurance Company

prays that the Court take jurisdiction in this action to the exclusion of any further proceedings in the District Court of Tulsa County, State of Oklahoma.

/s/Michael W. Brewer

MICHAEL W. BREWER, OBA #11769

JEFFREY D. SCOTT, OBA #32115

HILTGEN & BREWER, P.C.

9505 North Kelley Avenue

Oklahoma City, Oklahoma 73131

(405) 605-9000 Telephone

(405) 605-9010 Fax

Email: mbrewer@hbokc.law

ATTORNEY FOR DEFENDANT

BERKSHIRE HATHAWAY HOMESTATE

INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Benjamin Doyle

/s/ Michael W. Brewer

Michael W. Brewer